

Archive: Animal Cruelty - Interim guidance

Animal Welfare Act 2006

Interim guidance – offences committed on or after 29 June 2021.

The maximum penalty for the following offences increased from six months to five years from 29 June 2021:

- Causing unnecessary suffering (section 4, Animal Welfare Act 2006);
- Carrying out a non-exempted mutilation (section 5, Animal Welfare Act 2006);
- Docking the tail of a dog except where permitted (section 6(1) and 6(2), Animal Welfare Act 2006);
- Administering a poison to an animal (section 7, Animal Welfare Act 2006); and
- Involvement in an animal fight (section 8, Animal Welfare Act 2006).

The offences listed above **committed on or after 29 June 2021** will be triable either way (they can be dealt with in magistrates' courts or the Crown Court).

Currently offences contrary to section 4 (causing unnecessary suffering) and section 8 (involvement in an animal fight) are covered by a Sentencing Council guideline.

The guideline also applies to offences contrary to section 9 (breach of duty of person responsible for animal to ensure welfare) – the maximum sentence for the section 9 offence remains six months' custody and the guideline therefore remains in force for that offence.

The Sentencing Council will develop and consult on a revised guideline for the offences with a five year maximum. Until that revised guideline is available, courts may continue to refer to the existing guideline to assist in the assessment of the level of seriousness of a case, but the sentence table will be of limited use in determining the sentence.

Information from the passage of the legislation in Parliament indicates that the increase in the maximum sentence was designed to provide for higher penalties for the most serious offences. It was not intended to increase significantly the number of offenders who receive custodial sentences.

If considering a community or custodial sentence, courts must follow the Imposition guideline.

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